

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CARNELL CORNELIUS ROLLINS,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:05-CV-1207-D
VS.	§	
	§	
MICHAEL HALEY, Parole Officer,	§	
	§	
Defendant.	§	

ORDER


After making an independent review of the pleadings, files, and records in this case, and the August 1, 2006 conclusions and recommendation of the magistrate judge, the court concludes that the conclusions are correct. It is therefore ordered that the conclusions and recommendation of the magistrate judge are adopted, and defendant's June 14, 2006 motion to dismiss is granted.

In his objections to the magistrate judge's conclusions and recommendation—which he styles a motion to vacate—plaintiff erroneously argues that Fed. R. Civ. P. 73(b) applies to the magistrate judge's conclusions and recommendation. He moves the court to vacate the conclusions and recommendation on the ground that the magistrate judge lacked jurisdiction to enter them. The magistrate judge's conclusions and recommendation in this case, however, are governed by Rule 72(b). This is not a consent case, and the court referred defendant's motion to dismiss to the magistrate judge for recommendation. Under that Rule, the magistrate judge enters a recommendation for disposition of the matter, a party can object to the recommendation, and the district court then decides the matter after independent review. Because the magistrate judge did not lack jurisdiction to enter the conclusions and recommendation, plaintiff's objections (i.e., motion to vacate) are overruled.

Defendant's motion to dismiss is granted, and this action is dismissed with prejudice as to defendant Micah Haley (sued as Michael Haley).

SO ORDERED.

August 10, 2006.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE